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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 United States of America,

10 Plaintiff,

11 v.

12 Charles P Corbell, et al.,

13 Defendants.  
14

No. CV-25-00042-TUC-JCH

**ORDER**

15 On March 24, 2025, Plaintiff United States of America filed a Motion for Leave to  
16 Serve Process by Alternative Means (Doc. 5). Plaintiff requests permission to serve  
17 Defendants Charles P. Corbell, Robert P. Corbell, and Kathryn Corbell (together  
18 "Defendants" or the "Corbells") with the Complaint and Summons via certified mail, first-  
19 class mail, and email. Doc. 5 at 1. For the following reasons, the Court will grant Plaintiff's  
20 Motion.

21 **I. BACKGROUND**

22 Plaintiff filed its Complaint against Defendants on January 31, 2025 (Doc. 1). Prior  
23 to filing suit, Plaintiff attempted several times to come to a resolution with Defendants out  
24 of court. *See* Doc. 5 at 2–3. Plaintiff first sent a letter informing Defendants of the claims  
25 against them and offering to discuss a potential resolution on November 22, 2024. Doc. 1  
26 at 2; Doc. 5-2. The parties exchanged several messages via mail and email where Plaintiff  
27 attempted to set up an in-person meeting with Defendants, and Defendants insisted that  
28 Plaintiff answer a series of questions about the nature of the United States' claim and

1 authority over Defendants. Doc. 5 at 1–2; *see also* Docs. 5-6 through 6-2. Defendants never  
 2 agreed to meet with Plaintiff. *See* Doc. 5 at 2–3.

3 On February 12, 2025, the United States Marshals Service ("USMS") arranged to  
 4 meet with Defendants at their local sheriff's office to attempt to serve process. Doc. 5 at 3;  
 5 Doc. 6-3. Defendants initially agreed to the meeting, but they failed to appear and indicated  
 6 USMS would have to track them down in order to serve them. *Id.* On February 14, USMS  
 7 attempted to serve Defendants at Robert Corbell's last known work address. *Id.* USMS also  
 8 attempted to call Robert and Kathy Corbell, but they received no response and were unable  
 9 to serve process. *Id.* Later that day, Plaintiff sent a "Notice of a Lawsuit and Request to  
 10 Waive Service of Summons" form and "Waiver of the Service of Summons" form to each  
 11 Defendant via certified mail. Doc. 5 at 3–4; Docs. 6-4 through 6-6. Defendants Robert and  
 12 Kathryn Corbell refused the certified mailings, and Defendant Charles Corbell's certified  
 13 mailing was returned. Doc. 5 at 4; Docs. 6-7 through 6-9. Plaintiff believes attempting  
 14 personal service would be "extremely difficult and would pose undue safety risks," and  
 15 provides reasons why it believes this to be the case. *See* Doc. 5 at 3–4.

## 16 **II. Service Impracticable**

17 Federal Rule of Civil Procedure Rule 4(e)(1) provides that "an individual . . . may  
 18 be served in a judicial district of the United States by . . . following state law for serving a  
 19 summons in an action brought in courts of general jurisdiction in the state where the district  
 20 court is located or where service is made." Under Arizona Law, an individual may normally  
 21 be served by "(1) delivering a copy of the summons and the pleading being served to that  
 22 individual personally; (2) leaving a copy of each at that individual's dwelling or usual place  
 23 of abode with someone of suitable age and discretion who resides there; or (3) delivering  
 24 a copy of each to an agent authorized by appointment or by law to receive service of  
 25 process." Ariz. R. Civ. P. 4.1(d). However, if a party can show that service via the  
 26 traditional means is impracticable, "the court may—on motion and without notice to the  
 27 person to be served—order that service be accomplished in another manner." Ariz. R. Civ.  
 28 P. 4.1(k)(1). If serving by alternative means, "the serving party must make a reasonable

1 effort to provide the person being served with actual notice of the action's commencement"  
 2 and "must mail the summons, the pleading being served, and any court order authorizing  
 3 an alternative means of service to the last-known business or residential address of the  
 4 person being served." Ariz. R. Civ. P. 4.1(k)(2).

5 Based on the Affidavit of Alan Garcia (Doc. 6-3), the Court finds traditional service  
 6 on Defendants would be impracticable. USMS began attempting to physically serve  
 7 Defendants on February 12, 2025, and due to safety concerns, arranged for assistance from  
 8 the Greenlee County Sheriff's Office. Doc. 6-3 at 2. USMS has attempted to serve  
 9 Defendants at Robert Corbell's work and communicate with Defendants via phone. *Id.*  
 10 Though Defendants are aware of the impending action against them by virtue of their  
 11 communications with Plaintiff, they have been unresponsive to USMS's attempts to arrange  
 12 service. *See Id.* at 3–4. It would be impracticable and potentially dangerous for Plaintiff to  
 13 personally serve Defendants. *See Rios v. Lux Interior & Renovation LLC*, No. CV-23-  
 14 01686, 2023 WL 6318009, at \*2 (D. Ariz. Sept. 28, 2023) (finding alternative service was  
 15 warranted where plaintiffs unsuccessfully attempted to physically serve defendants on four  
 16 occasions and contact defendants by phone); *Mountains of Spices LLC v. Lafrenz*, CV-21-  
 17 01497, 2022 WL 20328740, at \*2 (D. Ariz. Feb. 17, 2022) (authorizing alternative service  
 18 where plaintiff attempted to serve defendants multiple times unsuccessfully, and  
 19 defendants knew of the lawsuit and appeared to be avoiding service).

### 20 **III. Alternative Means**

21 When traditional service is impracticable, service via U.S. mail and certified mail  
 22 have been found to be appropriate alternative methods. *Rios v. Lux Interior & Renovation*  
 23 *LLC*, 2023 WL 6318009, at \*2. Service via email has also been found to be "a reasonable  
 24 effort to provide the person being served with actual notice of the action's commencement."  
 25 *Mountains of Spices LLC v. Lafrenz*, 2022 WL 20328740, at \*2 (quoting Ariz. R. Civ. P.  
 26 4.1(k)(2)); *see also Ruffino v. Lokosky*, 245 Ariz. 165 (Ariz. Ct. App. 2018). The Court will  
 27 thus grant Plaintiff's request to serve Defendants via certified mail, first-class mail, and  
 28 email. Plaintiff must make reasonable efforts to provide Defendants with actual notice by

1 mailing the Summons, the Complaint, and this Order to Defendants' respective registered  
2 home addresses. The Court understands Plaintiff has previously communicated with  
3 Defendants via email with Robert Corbell at rcorbell2@vtc.net. *See, e.g.*, Docs. 5-7, 5-8.  
4 Emailing the Summons, the Complaint, and this Order to rcorbell2@vtc.net will further  
5 ensure Defendants receive actual notice.

6 **IV. Order**

7 Accordingly,

8 **IT IS ORDERED granting** Plaintiff's Motion for Leave to Serve Process by  
9 Alternative Means (Doc. 5).

10 **IT IS FURTHER ORDERED** that the United States shall serve copies of the  
11 Complaint, the Summons issued to Charles Corbell, and this Order by first-class and  
12 certified mail to Mr. Corbell at his last-known residential address, which is 1000 San  
13 Francisco River Road, Clifton, Arizona 85533, and at P.O. Box 1775, Clifton, Arizona  
14 85533.

15 **IT IS FURTHER ORDERED** that the United States shall serve copies of the  
16 Complaint, the Summons issued to Robert Corbell, and this Order by first-class and  
17 certified mail to Mr. Corbell at his last-known residential address, which is 562 Lemons  
18 Lane, Duncan, Arizona 85534.

19 **IT IS FURTHER ORDERED** that the United States shall serve copies of the  
20 Complaint, the Summons issued to Kathryn Corbell, and this Order by first-class and  
21 certified mail to Mrs. Corbell at her last-known residential address, which is 562 Lemons  
22 Lane, Duncan, Arizona 85534.

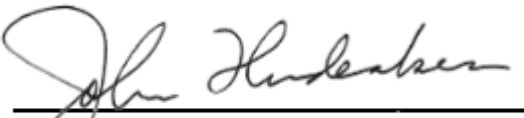
23 **IT IS FURTHER ORDERED** that the United States shall email copies of the  
24 Complaint, the Summonses issued to Charles Corbell, Robert Corbell, and Kathryn  
25 Corbell, and this Order to rcorbell2@vtc.net.

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1 Dated this 25th day of March, 2025.  
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John C. Hinderaker  
United States District Judge